

Adopted	Rejected
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COMMITTEE REPORT

YES:	8
NO:	5

MR. SPEAKER:

*Your Committee on Commerce, Economic Development and Technology, to which was referred House Bill 1181, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 1, line 3, delete "As used in this section, "order" refers to an".
- 2 Page 1, delete lines 4 through 5.
- 3 Page 1, line 6, delete "(b)".
- 4 Page 1, run in lines 3 and 6.
- 5 Page 1, line 8, delete "(c)" and insert "**(b)**".
- 6 Page 1, line 11, delete "or".
- 7 Page 1, line 12, delete "part of an order;" and insert "**determination,**
- 8 **requirement, direction or order of the commission made pursuant**
- 9 **to this title; or**
- 10 **(3) failed to comply with an administrative rule promulgated**
- 11 **by the commission pursuant to this title;".**
- 12 Page 1, line 14, delete "(d)" and insert "(c)".
- 13 Page 2, line 6, delete "fifteen" and insert "**three**".

1 Page 2, line 7, delete "(15%)" and insert "**(3%)**".

2 Page 2, between lines 25 and 26, begin a new paragraph and insert:

3 **"(f) This section shall not apply when the violation or failure of**
4 **the utility was caused by any of the following:**

5 **(1) Customer provided equipment.**

6 **(2) The negligent act of a customer.**

7 **(3) An emergency situation.**

8 **(4) An unavoidable casualty.**

9 **(5) An act of God."**

10 Page 2, line 26, delete "(f)" and insert "**(g)**".

11 Page 2, line 26, delete "may" and insert "**shall**".

12 Page 2, line 30, delete "may" and insert "**shall**".

13 Page 2, line 32, delete "(g)" and insert "**(h)**".

14 Page 2, delete lines 40 through 42 and insert the following:

15 **"(i) The secretary of the commission shall direct any civil**
16 **penalties collected under this section as follows:**

17 **(1) Penalties assessed for violations that directly affect**
18 **ratepayers shall be refunded directly to the customers of the**
19 **subject utility in the form of credits on customer bills.**

20 **(2) Penalties assessed for violations that directly harm**
21 **another utility shall be awarded directly to the other utility.**

22 **(3) Penalties assessed for violations that do not directly affect**
23 **ratepayers or harm another utility shall be deposited into the**
24 **commission public utility fund account established under**
25 **IC 8-1-6.**

26 **(j) The commission shall use penalties deposited into the utility**
27 **fund account for:**

28 **(1) consumer education;**

29 **(2) promotion of utility competition; or**

30 **(3) any other purpose deemed by the commission to further**
31 **the public interest.**

32 **(k) The commission shall provide to the regulatory flexibility**
33 **committee a report detailing how penalties deposited into the**
34 **public utility fund account were distributed.**

35 **(l) Penalties deposited into the public utility fund account shall**
36 **not be included in:**

37 **(1) the calculation of the difference between actual**
38 **expenditures and appropriations described in IC 8-1-6-1(b);**

- 1 **or**
 - 2 **(2) any public utility fee credit."**
 - 3 Page 3, line 1, delete "(i)" and insert "**(m)**".
 - 4 Page 3, line 8, delete "commission or a division of the".
 - 5 Page 3, line 14, delete "the commission or division of".
 - 6 Page 3, run in lines 14 and 15.
 - 7 Page 3, line 18, delete "or a division of the commission".
 - 8 Page 4, delete lines 3 through 4.
- (Reference is to HB 1181 as introduced.)

and when so amended that said bill do pass.

Representative Fry